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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,063	04/27/2001	Philip D. Mooney	Mooney 68	9579

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EXAMINER
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PHU, SANH D

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/844,063

**Applicant(s)**

MOONEY, PHILIP D.

**Examiner**

Sanh D Phu

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11,13-16,18-25,27-29 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 8,12,17,26 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Applicant's Response filed on 6/9/04.

#### *Claim Rejections – 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-11, 13-16, 18-25, 27-29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayyagari et al (20010033554), (prior art of record), in view of Wang (6,173,041), (prior art of record).

-As per claims 1, 11, 13, 14, 16, 18, 19, 29, 31 and 32, see figures 1, 2, 8 and 9, and sections [0032]-[0046] and [0065]-[0072], Ayyagari et al discloses a method and an associated system for providing service record, comprising a first communication device (e.g., PICONET DEVICE 215) and a second communication device (e.g., PICONET DEVICE 215) (see figure 2), the

second communication device capable of providing services including modem based services using its modem (172) (see figure 1) to the first communication device wherein the method/system comprises:

step/means of generating by the second communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device if a request or inquiry for such modem-based services is made by the first communication device to the second communication device (see (800), (810), (815) of figure 8).

In Ayyagari et al, step/means of determining whether the modem is present in the second communication device is inherent or obvious (for one skilled in the art when carrying out Ayyagari et al invention) to be performed by the second communication device to confirm the existence of the modem before the step of generating the service record identifying modem-based services to the first communication device so that based on the result of the confirmation, the second communication device would generate the service record identifying modem-based services accurately to the first communication device.

Ayyagari et al does not disclose step/means of determining whether a proper phone line connection exists in the second communication device.

Wang teaches step (10) of determining whether a proper phone line connection with a modem exists for the modem accessing to an external network through the phone line (see figure 1, and col. 1, line 52 to col. 2, line 55).

In Ayyagari et al, if the modem-based services requires the modem (172) accessing to an external network through a phone line, it would have been obvious for one skilled in the art, when carrying out Ayyagari et al invention, to implement step of determining whether a proper phone line connection exists between the phone line and the modem, as taught by Wang, so that based on the results of steps of determining whether the modem being present and determining whether a proper phone line connection exists between the phone line and the modem, the second communication device would generate the service record identifying modem-based services accurately to the first communication device.

-As per claims, 2, 4, 21, Ayyagari et al discloses that communicating the service record from the second communication device to the first communication device uses short-range wireless communication techniques (BLUETOOTH) (see figure 3).

-As per claim 3, Ayyagari et al discloses that the communicating is implemented by Service Discovery Protocol (SDP) (415) installed in the first and second communication Devices (see figure 4).

-As per claim 5, Ayyagari et al in view of Wang discloses step of detecting whether a phone line is plugged into a phone jack connected to the modem (see Wang, figure 1, col. 1 line 52 to col. 2, line 55).

-As per claim 6, Ayyagari et al in view of Wang discloses step of determining a voltage difference between wires of a phone line connected to the modem (see Wang, col. 1 line 52 to col. 2, line 55).

-As per claim 7, as discussed for claim 1, in Ayyagari et al invention, in view of Wang, the service record identifying the modem-based services is

inherently generated if the first determining step determines that the modem is present in the second communication device, and if the second determining step determines that a proper phone line connection exists in the second communication device.

-As per claim 9, Ayyagari et al in view of Wang discloses is inherent or obvious (for one skilled in the art when carrying out Ayyagari et al invention) to perform step of generating a message informing the first communication device that there is no proper phone line connection when the second determining step determines that no proper phone line connection exists in the second communication device as a reply of deny availability of the requested services (see Ayyagari et al, (825) of figure 8, and section [0065]).

-As per claim 10, Ayyagari et al in view of Wang discloses that the modem-based services could include a Dial-up Networking Gateway service (see Ayyagari et al, section [0044] .

-As per claims 15, 20, Ayyagari et al discloses that he services could include a LAN access service (see Ayyagari et al, section [0044]).

-Claim 22 is rejected with similar reasons set forth for claims 1, 2, 4, 11, 13, 14, 16, 18, 19, 21.

-Claim 23 is rejected with similar reasons set forth for claim 3.

-Claim 24 is rejected with similar reasons set forth for claim 5.

-Claim 25 is rejected with similar reasons set forth for claim 6.

-Claim 27 is rejected with similar reasons set forth for claim 9.

-Claim 28 is rejected with similar reasons set forth for claim 10.

-Claim 33 is is rejected with similar reasons set forth for claims 15 and 20.

#### ***Allowable Subject Matter***

4. Claims 8, 12, 17, 26 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed on 6/9/04 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***



Art Unit: 2682


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu  
Examiner  
Art Unit 2682

SP

  
LEE NGUYEN  
PRIMARY EXAMINER